

**FLATHEAD COUNTY PLANNING BOARD**  
**MINUTES OF THE MEETING**  
**JUNE 12, 2019**

**CALL TO ORDER**     A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11<sup>th</sup> Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Ron Schlegel, Kevin Lake, Elliot Adams, and Jim Thompson. Jeff Larsen and Mike Horn had excused absences. Donna Valade, Rachel Ezell, Erik Mack, and Mark Mussman represented the Flathead County Planning & Zoning Office.

**6:01 PM**

There were 12 members of the public in attendance.

**APPROVAL OF  
MEETING  
MINUTES**  
**6:02 PM**

Sirucek made a motion, seconded by Nogal, to approve the May 08, 2019 meeting minutes.

Motion passed unanimously on a roll call vote.

**PUBLIC  
COMMENT**  
*(Public matters that  
are within the  
jurisdiction of the  
Board 2-3-103  
M.C.A)*  
**6:03 PM**

Jess Roper, 239 Somerset Dr., discussed the conditional use permit FCU-19-10 located near his property and described events that had occurred recently and have had a negative impact on his family's quality of life. He was disappointed at the [Board of Adjustment's] decisions to approve the Conditional Use Permit (CUP).

Stevens asked if Roper had spoken to staff. Stevens said he was not familiar with the protocol when a CUP was in violation. Stevens did not like to jump to conclusions but he did not like what he had heard. He said the short term rental policy was a new policy within the county and he was sure that they were still working out quirks and fine tuning it. Stevens said, prior to this policy, people could do what they wanted. Stevens said they were going to be working on it.

Mussman said there was a process that already begun to get this CUP in to compliance. If they did not come in to compliance, then they can go through the process. He said there was a violation opened and they had 30 days to come in to compliance. There were valid complaints that had come in.

Schlegel asked what all was needed for them to come in to compliance. Mack said there multiple permits missing and therefor there were multiple things in addition to the violations that needed to happen.

**DISCLOSURE OF  
ANY CONFLICT  
OF INTERESTS**  
6:11 PM

None

**SKYVIEW  
MOBILE HOME  
PARK, LLC  
(FPP-19-06)**  
6:11 PM

A request from Skyview Mobile Home Park, LLC with technical assistance from TD&H Engineering for preliminary plat approval of Skyview Subdivision, a proposal to create 12 residential lots in the Evergreen Zoning District, zoned *R-5 (Two-Family Residential and R-2 (One-Family Limited Residential))*. The applicants are proposing each lot would be served by the Evergreen Water and Sewer District and access to each lot would be from an existing internal subdivision road via West Cottonwood Drive. The properties are located at 58 and 78 West Cottonwood Drive and contain 3.83 acres.

**STAFF REPORT**  
6:12 PM

Erik Mack reviewed staff report FPP-19-06 for the board.

**BOARD  
QUESTIONS**  
6:15 PM

Schlegel asked if the fill was already in place. Mack said he was unsure if it had been completed or not.

**APPLICANT  
PRESENTATION**  
6:15 PM

Andy Hyde with Carver Engineering, 1995 3<sup>rd</sup> Ave. E, represented the applicants this evening. He described the site plan and the proposal. He said water and sewer mains were done and extended. Each lot would be sold to individuals and developed as R-5 zoning allowed. They were still awaiting the approval of being taken out of the floodplain. The permit had already been approved, the fill was in place, and the elevation was high enough. They were just in the process of getting FEMA to get the elevation certification in place.

**BOARD  
QUESTIONS**  
6:19 PM

None

**AGENCY  
COMMENTS**  
6:19 PM

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT**  
6:19 PM

None

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPP-19-06)  
6:20 PM** Schlegel made a motion, seconded by Sirucek, to adopt staff FPP-19-06 as findings of fact.

**ROLL CALL TO  
ADOPT F.O.F.  
(FPP-19-06)  
6:20 PM** Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-19-06)  
6:21 PM** Lake made a motion, seconded by Nogal, to recommended approval of FPP-19-06 to the Board of County Commissioners.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-19-06)  
6:21 PM** The motion passed unanimously on a roll call vote

**EAGLE VIEW  
RIDGE  
SUBDIVISION  
(FPP-19-04)  
6:22 PM** A request from SC Homes, LLC, with technical assistance from 406 Engineering, Inc. for preliminary plat approval of Eagle View Ridge Subdivision, a proposal to create 4 residential lots from 2 existing lots containing approximately 37 acres. The applicant is proposing individual wells and septic systems and primary access would be off of Ashley Lake Road and Hodge Ridge Road. The properties are located at 67 and 89 Hodge Ridge Road.

**STAFF REPORT  
6:22 PM** Rachel Ezell reviewed staff report FPP-19-04 for the board.

**BOARD  
QUESTIONS  
6:27 PM** Sirucek asked for clarification on the dust cost share program and wondered how it fit or did not fit in geographically. He wondered if the subject area would share the cost with the lower area or if there would be a different access. Ezell said that if pavement was involved, the Road and Bridge Department would ask that it be after the existing pavement. The Dust Cost Share Program would be adjacent to the property. She believed that was why they mentioned in their comment that there really wasn't any dust share cost program participants in the near vicinity. That was what was confusing Sirucek and he was trying to figure out whether or not Lakeside group [from the last meeting] would be a benefit of this program. Ezell's impression was

that the county wanted about a mile of participants in order to participate in the program. She pointed out that the amount of paving they would be required to do would be less than a mile but if they participated in the dust cost share program they would be required to participate in at least a mile. Schlegel confirmed it would just be on the Ashley Lake Rd. and Ezell said that was correct.

Stevens pointed out a grammatical error on page 6 that needed to be fixed.

**APPLICANT  
PRESENTATION  
6:31 PM**

Nathan Lucke with 406 Engineering, 905 S. Main, was the technical representative for the applicants. He was in agreement with the staff report and did not have much to add. There were a few details he wanted to point out in the topography of the property and where there was a home recently built. He explained the history of the property and described how they had envisioned two home sites in that particular area. That was the catalyst for the subdivision. The approach permit already existed for the shared driveway.

He explained the dust debatement questions. He said over the last month there had been enough neighbors that joined together to be a part of the cost share program. As of today, there had been some dust debatement done in the area and the intent was to carry on with it as neighbors.

**BOARD  
QUESTIONS  
6:33 PM**

None

**AGENCY  
COMMENTS  
6:34 PM**

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
6:34 PM**

None

**BOARD  
QUESTIONS  
6:34 PM**

None

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPP-19-04)  
6:35 PM**

Schlegel made a motion, seconded by Lake, to adopt staff FPP-19-04 as findings of fact.

**BOARD  
DISCUSSION  
6:35 PM**

Schlegel wondered if they needed to correct the grammatical error and Stevens said no because it had been noted by staff.

**ROLL CALL TO  
ADOPT F.O.F.  
(FPP-19-04)  
6:36 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-19-04)  
6:36 PM**

Nogal made a motion, seconded by Sirucek, to recommended approval of FPP-19-04 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:36 PM**

Stevens wondered if the variance was a separate deal and/or if it should be addressed before or after [the main motion]. Staff said they believed it should be approved or denied prior to the roll call of the recommendation to The Commissioners. A sub motion would suffice.

**MOTION TO  
APPROVE  
VARIANCE FOR  
FPP-19-04  
6:37 PM**

Nogal made a sub-motion, seconded by Sirucek, to recommended approval of the variance for FPP-19-04 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:38 PM**

Adams felt it only made sense to approve it.

Sirucek approved of the variance because the soils in the area did not handle pavement well.

**ROLL CALL TO  
APPROVE  
VARIANCE  
6:39 PM**

Motion was passed unanimously on a roll call vote.

**BOARD  
DISCUSSION ON  
MAIN MOTION  
6:40 PM**

None



**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-19-04)  
6:40 PM**

The motion passed unanimously on a roll call vote

**SADDLEHORN  
#11  
(FPP-19-05)  
6:41 PM**

A request from Mike Frasier, on behalf of Saddlehorn II & III, LLC for preliminary plat approval of Saddlehorn #11, a proposal aggregating lots, subdividing common area, subdividing Future Development lots, adding acreage and subdividing added acreage which will ultimately create 11 new residential lots and 12 new townhouse lots on 297.50 acres to be served by Bigfork Water and Sewer. A Planned Unit Development (PUD) Text Amendment to the existing Saddlehorn PUD as well as a PUD expansion has been submitted concurrently with this subdivision proposal. The properties are located on unaddressed properties south of Highway 209 and east of Highway 35, 251 Saddlehorn Trail, 147 & 115 Barn Dance Trail and 171 Pinto Trail, Bigfork Montana.

**STAFF REPORT  
6:42 PM**

Donna Valade reviewed staff report FPP-19-05 for the board.

**BOARD  
QUESTIONS  
6:46 PM**

Schlegel wondered if there had been any comment from BLUAC. Valade explained they had cancelled their meeting due to the lack of quorum. Schlegel wondered if there were any comments received regarding the previous text amendments and PUD amendments. Valade said they had received some. There were a lot of questions; mainly regarding placement.

**APPLICANT  
PRESENTATION  
6:47 PM**

Mike Frasier with Frasier Management, 690 N. Meridian Ste 103, represented the applicants. He explained, in great detail, the history behind the property and development of the property since 2004. He said Saddlehorn No. 11 was a revision of the original subdivision. He also discussed the proposed site plans and lot proposals. He pointed out the density was not changing; they were putting the higher density lots in isolated areas. He also pointed out the access points and the emergency egress that had already been put in to place. He also discussed the previously planned large common area which they were proposing to make 2 home lots. This would have significant less of an impact on the property. He also discussed the trail networks that would make it a pedestrian friendly.

He addressed concern of The Ranch Subdivision's road. It was a 75 year old road that was still in good condition. He said Saddlehorn only used 2,900 feet of that road and the total length of Ranch Subdivision was 5,800'. They had done a study that projected that only 10% of Saddlehorn would use the road. He discussed the logistics of the current traffic impact and suggested it needed

to be addressed internally.

He addressed that the gate needed to be moved on to Saddlehorn property because it should not be gated where it was located currently.

He addressed the comment received from the law firm in regards to the right of the purchaser to subdivide the property under the covenants given to the declarant. He said the issue was resolved in the bankruptcy process and read the decree which was given to the purchaser in the bankruptcy. He also read condition #11; that the purchaser obtained the right as the declarant in the terms of the purchase.

**BOARD  
QUESTIONS  
7:04 PM**

Sirucek asked to clarify the issue with the gate. Fraser said the gate should not be on Double Tree Dr. and needed to be on Saddlehorn's property and meet the standards of ingress and egress. Sirucek wanted to make sure the issue would be addressed and Fraser said it was.

**AGENCY  
COMMENTS  
7:06 PM**

There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.

Stevens addressed the comment received by Fish, Wildlife, and Parks Department. Stevens said Montana Department of Environmental Quality and Flathead County Health and Environmental Health Department dealt with the subjects of sanitization. To his knowledge, Fish, Wildlife, and Parks Department did not have expertise in that area and felt their comments were inappropriate because they did not have any experience in it.

**PUBLIC  
COMMENT  
7:08 PM**

Scott Hagel with Crowley Fleck Law Firm, 1667 Whitefish Stage Rd., represented Gregory and Christine Cross. They owned camp home site #42 within the Saddlehorn Subdivision. He had submitted a written comment for review and wanted to highlight a couple of points which he had made. He said the Crosses were not opposed to further development of Saddlehorn but did oppose the proposed development of lots 52 & 53 because they were in close proximity to their property. According to the topography, the lots were 40-50' higher in elevation than their property. They were concerned about drainage issues, dust during construction, cutting down the grade to meet county standards for driveway grades, and having homes looming over them. He said the landscape would have to be manipulated to meet those standards. They were concerned about access and that the topography would force a shared access for lot 41, which the Crosses had an easement for their access and felt it would overburden their easement. The Crosses purchased their lot in 2010, which was prior to the disclosure, and the development plan was different then. They understood the open space would be there and they were not aware of there being any future development being on that property. He did believe that the development rights probably belonged to the new successor but he wanted to make the point that the Crosses had easement rights in the open

space. He did not want to be opposed to the development of 52-53 however they did want their property rights respected and wanted to keep the open spaces near their property. He respectfully requested that the developer resubmitted a reconfigured plan for the two subject lots or that the planning board recommend denial of the application.

Stevens brought up that it was mentioned the easement would be overburdened. He wondered how a road could be determined overburdened or under-burdened. Hagel said the courts decide on a case by case basis. He said that it really went back to the time of the initial development and the PUD plan showed it was not originally planned.

**APPLICANT  
REBUTTAL/  
COMMENTS  
7:17 PM**

Fraser pointed out the issue that seemed unresolved was the discussion of lot 52-53. He said when lot 42 was created, they had to have an easement because they did not have accessible road frontage. He said lots 52-53 had ability to have separate driveways that would meet county standards. He said the area of lot 52-53 was originally planned for recreational common area and could have been any number of things; meaning that it was not necessarily going to be natural. He expressed that they were decreasing the activity on said lots. They had taken these things in to consideration to maintain and protect the value of lot 42.

He did say he would like to see condition #18 deleted since it was not a requirement of subdivision regulations.

**BOARD  
DISCUSSION  
7:21 PM**

Sirucek discussed the soil properties in that area which consisted of shallow bedrock or deeper permeable soil. He said he had not been on that exact site but asked if Fraser had any knowledge of that specific site and any storm water concerns.

Fraser said, upon new information in May, the DEQ required all of the new information to the new requirements. He discussed the requirements that he would have to meet per DEQ. He said they could not impact adjoining properties and had to channel the storm water elsewhere.

Nogal asked about the easement lot 42 had now and wondered if 52 and 53 were going to use it. Fraser replied yes. Nogal asked if it was because of the height/topography. Fraser said he did not know the terms of the easement at this point but he was going to look in to it. Nogal asked if the lots in question were to remain as common area, would they still use the easement. Fraser pointed out that it would be in the near vicinity.

Stevens asked him to explain why he wanted condition #18 removed. Fraser said the text amendment addressed the uses. The subdivision was reliant on the PUD expansion but the text amendment did not affect the development of the subdivision. He discussed the reason why they wanted to use shared



driveways; to lessen the disruptence of the properties.

Schlegel asked about the shared driveway in lot 41 and if it needed to be improved for the other two lots. Fraser said that all driveways needed to be paved and were wide enough.

Adams asked about the easement and if anybody from lot 42 used the easement to access lot 53 or if lot 42 was also using part of lot 53. It was confirmed that the easement went through 41 and then to easement 42. He said that there would be added traffic to lot 41 but would remain the same for lot 42.

**STAFF  
REBUTTAL/  
COMMENTS  
7:28 PM**

Valade asked Fraser if it would affect the development if the text amendment did not pass and the shared driveways were not allowed. Fraser said that all lots met the subdivision standards for road frontage and road access. The shared driveways reduced the disturbance of driveway construction.

Sirucek asked Valade if condition #18 was truly needed. She did not feel like there was a conflict because it did not apply to the subdivision; they were trying to lessen the disturbance. Sirucek asked if there was a conflict if they kept the condition. Fraser responded, at the request of the board, that he was trying to “dot his I’s and cross his T’s” from the applicant’s perspective. It was not necessary for the subdivision to proceed.

It was confirmed between staff and board that striking condition #18 would not be a problem.

Shlegel asked if condition #18 were stricken, would that affect the shared driveways on lots 52 and 53. Valade said it was a consideration. Fraser said he was confident that it would pass but the subdivision could proceed without it because they could meet the subdivision regulations.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPP-19-05)  
7:33 PM**

Nogal made a motion, seconded by Schlegel, to adopt staff FPP-19-05 as findings of fact.

**BOARD  
DISCUSSION  
7:33 PM**

None

**ROLL CALL TO  
ADOPT F.O.F.  
(FPP-19-05)  
7:34 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-19-05)  
7:35 PM**

Schlegel made a motion, seconded by Nogal, to recommended approval of FPP-19-05 to the Board of County Commissioners.

**MOTION TO  
STRIKE  
CONDITION #18  
7:35 PM**

Sirucek made a motion, seconded by Nogal, to strike condition #18.

**BOARD  
DISCUSSION  
7:35 PM**

None

**ROLL CALL TO  
STRIKE  
CONDITION #18  
7:35 PM**

The motion passed unanimously on a roll call vote

**BOARD  
DISCUSSION  
7:36 PM**

Schlegel addressed Hagel's public comment and thanked him for his honesty. Stevens said the board did not have an attorney [present] so they were appreciative of accurate and honest information.

Sirucek said he liked the design from a couple of perspectives. He felt the concerns about the multifamily dwellings were non issues and were addressed in the development.

Schlegel felt it would mean a lot for the developers and owners to communicate with the current home owners. Fraser said they were planning on doing that next week.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-19-05)  
7:39 PM**

The motion passed unanimously on a roll call vote

**ROSIE  
MEADOWS  
SUBDIVISION  
(FPP-19-08)  
7:41 PM**

A request from Ragnar & Kelly Stoelzle with technical assistance from Sam Cordi Land Surveying and Mapping, Inc. for preliminary plat approval of Rosie Meadows Subdivision, a proposal to create 2 residential lots on approximately 9.1 acres. The applicant is proposing individual wells and septic systems and primary access would be from Jensen Road.

<b>STAFF REPORT</b> <i>7:42 PM</i>	Donna Valade reviewed staff report FPP-19-08 for the board.
<b>BOARD QUESTIONS</b> <i>7:44 PM</i>	Stevens clarified there was no current zoning. He wondered which regulations mentioned a length to width ratio. It was confirmed that it was within the subdivision regulations that required it to be a 3 to 1 ratio. They discussed the dimensions of the subject property and clarified that it was not an issue as it met the requirements.
<b>APPLICANT PRESENTATION</b> <i>7:48 PM</i>	Thomas Sibson with Sam Cordi, 974 Colorado Ave 3413, represented the applicants. He said they were in agreement with the staff report. It was a straightforward application and already had 2 existing homes.
<b>BOARD QUESTIONS</b> <i>7:49 PM</i>	None
<b>AGENCY COMMENTS</b> <i>7:50 PM</i>	There were no public agencies present to comment. The staff had reviewed the written comments during the staff report presentation.
<b>PUBLIC COMMENT</b> <i>7:50 PM</i>	None
<b>STAFF REBUTTAL/ COMMENTS</b> <i>7:50 PM</i>	Mussman read the subdivision regulations and said that said the length
<b>APPLICANT REBUTTAL/ COMMENTS</b> <i>7:50 PM</i>	None
<b>BOARD QUESTIONS</b> <i>7:51 PM</i>	None
<b>MAIN MOTION TO ADOPT F.O.F. (FPP-19-08)</b> <i>7:51 PM</i>	Sirucek made a motion, seconded by Adams, to adopt staff FPP-19-08 as findings of fact.
<b>BOARD DISCUSSION</b>	None

**7:52 PM**

**ROLL CALL TO  
ADOPT F.O.F.  
(FPP-19-08)  
7:52 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-19-08)  
7:53 PM**

Lake made a motion, seconded by Sirucek, to recommended approval of FPP-19-08 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
7:53 PM**

Nogal addressed the variance.

**MOTION TO  
RECOMMEND  
APPROVAL OF  
THE VARIANCE  
7:53 PM**

Nogal made a motion, seconded by Schlegel, to recommend approval of the variance request to the off-site road improvements.

**BOARD  
DISCUSSION  
7:53 PM**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL OF  
THE VARIANCE  
7:54 PM**

The motion passed unanimously on a roll call vote

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-19-08)  
7:55 PM**

The motion passed unanimously on a roll call vote

**OLD BUSINESS  
7:55 PM**

None

**NEW BUSINESS  
7:56 PM**

Mussman introduced the new planner, Erin.

**ADJOURNMENT**

**7:58 PM**

The meeting was adjourned on a motion by Schlegel and Nogal at approximately 7:48 p.m. The next meeting will be held July 10, 2019.

  
\_\_\_\_\_  
Greg Stevens, Vice-Chairman

  
\_\_\_\_\_  
Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 7 / 10 /19